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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,617	01/26/2004	Edward R. Rhoads	ITL0241DIUS (P7376D)	8924
21906 7590 09/23/2009 TROP, PRUNER & HU, P.C. 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631				
EXAMINER LI ZHUO H				
ART UNIT 2185		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. Applicant's arguments filed 9/15/2009 have been fully considered but they are not persuasive.

In response applicant assertion that examiner has no rebuttal in previous Office action, examiner respectfully disagree. Examiner has clearly pointed out in previous Office action that the evidence provide in affidavit filed 1/20/2009 was insufficient to overcome the rejection. While the practitioner's statements are informative, they do not constitute evidence *per se*, particularly the statement made in paragraph 3 of the affidavit "I obtained the material about putting the address for one section in another section including what is described in Figure 5 from inventors Rhoads and Ketrenos and put this material in the Tallam application. Thus, I was the person who put this information in the Tallam application. I obtained the information from Rhoads and Ketrenos". Since applicant failed to provide a satisfactory showing that relevant portions of the patent originated with or were obtained from the instant application and that that subject matter is now claimed, the affidavit filed 1/20/2009 cannot overcome the art rejection of claims 1-15 and 26-30. In addition, examiner pointed out in previous Office action that applicant did not provide separate arguments with respect to art rejection of claims 1-15 and 26-30. Thus, the rejection is maintained. Therefore, examiner has rebuttal in accordance with the previous Office action.

/Tuan V. Thai/

Primary Examiner, Art Unit 2185